

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
No. 25-cv-22896-JEM**

FRIENDS OF THE EVERGLADES, INC., et al.

Plaintiffs,

and

MICCOSUKEE TRIBE OF INDIANS OF FLORIDA

Plaintiff-Intervenor,

v.

KRISTI NOEM, et al.,

Defendants.

**FEDERAL DEFENDANTS' EXPEDITED MOTION TO STAY PRELIMINARY
INJUNCTION PENDING INTERLOCUTORY APPEAL**

Federal Defendants Kristi Noem and Todd Lyons, in their official capacities, move to stay the Court's preliminary injunction entered on August 21, 2025, Dkt. 131, pending interlocutory appeal, and in support state:

1. During closing argument at the preliminary injunction hearing, Defendant Kevin Guthrie, in his official capacity as Executive Director of the Florida Division of Emergency Management ("FDEM") requested that, if the Court granted a preliminary injunction, it would also grant a stay of that preliminary injunction because FDEM's legal arguments and factual showings demonstrated that a stay was warranted. *See* Hr'g Tr. at 128:14-22 (Aug. 13, 2015). Federal Defendants joined in this request. *Id.* at 129:12-13. The Court deferred ruling on the motion, requesting that it be renewed in writing should the Court grant Plaintiffs' motion

for a preliminary injunction. *Id.* at 128:23-129:1. The Court states that the renewed motion could reference the arguments made at the preliminary injunction hearing and in filings. *Id.* at 129:1-3.

2. On August 21, 2025, this Court entered an Order granting in part Plaintiffs' Motion for Preliminary Injunction. Dkt. 131.
3. Federal Defendants have appealed that Order. Dkt. 136.
4. For the reasons articulated in Federal Defendants' briefing on the Motion for Preliminary Injunction and Temporary Restraining Order (Dkt. 21, 60), during the evidentiary hearing held on August 6, 7, 12, and 13, 2025, and in FDEM's Motion for Stay Pending Appeal (Dkt. 137), Federal Defendants respectfully request that the Court stay its preliminary injunction pending appeal. For the above reasons, the stay factors are met: (1) Federal Defendants are likely to succeed on the merits of their appeal; (2) Federal Defendants and the public interest will suffer irreparable injury, including but not limited to imminent and significant disruption of the Federal Government's ability to enforce immigration laws, safeguard public safety, protect national security, and maintain border security, *see also* Declaration of Garrett Ripa, attached as Exhibit 1; and (3) there is no potential for substantial injury to Plaintiffs because they have not demonstrated imminent, irreparable harm.
5. Because an immediate stay is necessary to avoid irreparable harm to Federal Defendants, Federal Defendants request that the Court rule on this renewed motion by **5:00 P.M. on Monday, August 25, 2025**, so that, should the Court deny the stay, the matter can be timely considered by the U.S. Court of Appeals for the Eleventh Circuit.

CONCLUSION

For the foregoing reasons, Federal Defendants request that the Court stay enforcement of the preliminary injunction, Dkt. 131, pending interlocutory appeal. Counsel for Federal Defendants have conferred with counsel for Plaintiffs and Intervenor-Plaintiff about the relief sought herein. They oppose the requested relief, so the Parties have been unable to resolve the issues raised in this motion.

Respectfully submitted on August 23, 2025.

ADAM R.F. GUSTAFSON
Acting Assistant Attorney General

PETER M. TORSTENSEN, JR.
Deputy Assistant Attorney General

s/ Hayley A. Carpenter
HAYLEY A. CARPENTER (CA Bar No.
312611)
Trial Attorney
MARISSA A. PIROPATO
Deputy Section Chief
Natural Resources Section
Environment and Natural Resources Division
United States Department of Justice
Ben Franklin Station
P.O. Box 7611
Washington, D.C. 20044-7611
(202) 305-0242 (Carpenter)
(202) 305-0470 (Piropato)
hayley.carpenter@usdoj.gov
marissa.piropato@usdoj.gov

*Counsel for Kristi Noem, in her official
capacity as Director of Homeland Security;
and Todd Lyons, in his official capacity as
Acting Director of the United States
Immigration and Customs Enforcement*